

for July 9. Wedge Water, LLC (“Wedge Water”) has declined Ocean Spray’s suggestion that the parties jointly request a more expedited schedule from the California court.

Notwithstanding Ocean Spray’s Motion to Stay pending in the Southern District of California action, and Wedge Water’s Motion to Transfer pending in this Court, Wedge Water has chosen to file in the California court an *Ex Parte* Application for Expedited Discovery. Dckt 19-1, Declaration of Andrew Levine, Ex. 1. Wedge Water has repeatedly threatened to file a motion for preliminary injunction in that court, without awaiting this Court’s determination of the appropriate venue. See, *e.g.*, Dckt 19-1 at 1 for the latest such threat.

Wedge Water has stated it will oppose this request for a status conference. See Dckt 19-1, Declaration of Andrew Levine, Ex. 8. In its proposed Reply Brief in support of its Motion to Transfer, Wedge Water has requested “that the Court set a hearing on the Motion as soon as it is convenient for the Court.” Dckt 19-1 at 1, 7. Ocean Spray joins in that request, but in the interim requests a status conference so that the Court can consider imposing some procedural order on this dispute so as to conserve to the extent possible the resources of the Court and the parties.

Counsel for Ocean Spray could be available for a status conference the morning of May 20, any time on May 21, and the weeks of May 31, June 7 and 14.

Dated: May 19, 2021

Respectfully submitted,

OCEAN SPRAY CRANBERRIES, INC.

By its Attorneys,

/s/ John R. Snyder

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LOCAL RULE 7.1 CERTIFICATION

I hereby certify that counsel for Wave Soda conferred and attempted in good faith to resolve or narrow the issue presented in this request but was unable to reach agreement.

/s/ John R. Snyder

John R. Snyder

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of May, 2021, the foregoing Request for Status Conference was electronically filed with the Clerk of the Court using the CM/ECF system and will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants

/s/ John R. Snyder
John R. Snyder